

misconduct or prosecution for misconduct that is being conducted by criminal investigation or prosecution authorities.

(h) If, in the course of the committee's review of allegations of impropriety, there appears to be a question or issue of misconduct involved, the committee shall immediately suspend its review and refer the matter under review to the proper federal, state and local governmental authority for investigation and possible criminal prosecution, or coordinate its investigation with the agency responsible for the criminal investigation or prosecution so as not to prejudice any investigation of misconduct or prosecution for misconduct that is being conducted by criminal investigation or prosecution authorities.

(i) When the committee concludes that there has been a violation of subsection (a), part (7) of section 18-3 of this Code it shall have the power to:

- (1) Issue a public rebuke and reprimand of the violator; and/or
- (2) Request that the violator be removed and relieved of any and all committee membership(s), assignments and/or duties related to same.

(Ord. No. 87-59, § 1, 1-14-87; Ord. No. 89-1683, § 2, 11-15-89)

Sec. 18-17. Opinions.

(a) Upon receipt of a written request from any person subject to the ethical standards set out in section 18-3 herein, the committee may render written advisory opinions about the application of such ethical standards to such person in regard to a specified factual situation, whether existing or hypothetical. Any written advisory opinion so rendered shall be issued not later than the sixtieth day after the date the committee receives the written request.

(b) On its own initiative, the committee may issue a written advisory opinion about the application of the ethical standards set out in section 18-3 herein when a majority of the committee determines that an opinion would be in the public interest or in the interest of any person or persons subject to section 18-3; provided, however, that in

no case may the committee issue such an opinion which includes the name of any individual who may be affected by the opinion.

(Ord. No. 87-59, § 1, 1-14-87)

Secs. 18-18—18-20. Reserved.

ARTICLE III. FINANCIAL DISCLOSURE

Sec. 18-21. By city officials and candidates for city office.

(a) The term "city official" as used in this article shall have the meaning ascribed in section 18-2 of this Code, except that persons whose services are donated to the city and appointed members of city boards, committees and commissions who are compensated on a per-meeting basis shall be excluded.

(b) On or before October 15 of each calendar year, each city official shall file with the city secretary a financial disclosure statement. The statement shall cover the previous 12 completed months.

(c) A candidate for a city elective office at a general election shall file a financial disclosure statement with the city secretary on or before October 15 of the respective election year. A candidate for city elective office in a special election to fill a vacancy shall file a financial disclosure statement with the city secretary on or before the fifteenth day next preceding the date of the election, provided that an additional statement need not be filed for a runoff election, if any. The statement shall cover the previous 12 completed calendar months, as computed from the date that the statement is due to be filed. The term "candidate" shall include a city official seeking reelection or election to another city elective office. Those candidates who have not filed by the filing date provided herein shall be advised of such omission by the committee by way of certified mail, return receipt requested, to the address provided by such candidate at the time of filing for office.

(d) A city official who ceases to be a city official shall file a financial disclosure statement with the city secretary for the period existing between the

previous statement filed by such official and the effective date of such official's termination of duty or employment.

(e) Any person who is appointed to a city elective office for an unexpired term and who is not otherwise subject to subsections (b) or (c) hereinabove shall file a financial disclosure statement with the city secretary for the 12 months preceding his appointment. The statement shall be filed not later than 15 days following such appointment. This subsection shall not apply to the mayor pro tem who fills a vacancy created in the office of mayor, or to the vice mayor pro tem who fills a vacancy created in the office of mayor or mayor pro tem, provided such person has previously complied with subsection (b) above.

(f) The city secretary shall retain financial disclosure statements for not less than five years from the date of filing. The city secretary shall also maintain a list of the persons who are required to file financial disclosure statements under this article and an index of the statements filed, setting forth names and dates of filing.

(g) A city official or candidate for a city elective office shall include the following information by separate listing of each category, as enumerated in parts (1) through (14) below, in his or her required financial disclosure statement:

- (1) The name, address, the public position held or sought by the city official or candidate, the names of all members of his household, and all names under which any of them do business.
- (2) All sources of occupational income in excess of \$250.00 per source of the city official or candidate, and members of his household, including the amount, the name and business address of the employer or employing business and the nature of the occupation or business. If the city official, candidate, or any member of his household is self-employed, or if such person owns, either legally or beneficially, at least a 20 percent interest in the business, then he shall report the names and addresses of the clients or customers from whom he or his employer or employing business received at least ten percent of such employer's or

employing business' gross income during the period covered by the statement. If such income is for the provision of medical, health-related, or legal services, the income shall be listed but the identity of the individual patients or clients need not be disclosed.

- (3) All income received during the period covered by the statement by the city official, candidate, member of his household, or by a business in which the person has a 20 percent or greater interest, as a fee for future, unspecified services, including the amount and the name of the source of the fee.
- (4) An itemized list of all income in excess of \$250.00 per source received during the period covered by the statement by the city official, candidate, or member of his household from interest, dividends, royalties or rents, including the amount and the identification of the source.
- (5) An itemized list of all income in excess of \$250.00 per source received during the period covered by the statement by the city official, candidate, or member of his household as the beneficiary of a trust, including the amount and the identification of the source.
- (6) The identification of any person, business, or organization from whom the city official, candidate, or member of his household has received, during the period covered by the statement, a gift of any money or other thing of value in excess of \$250.00, or a series of gifts from the same source, the total value of which exceeds \$250.00, including, by itemized listing, the source of the gift and its value. Excluded from this requirement are gifts received from persons related to the city official, candidate, or member of his household within the second degree of consanguinity or affinity, and campaign contributions which were received and reported as required by state statute. Also excluded from this requirement are meals and beverages received

during the period covered by the statement by such person from some other person, business or organization.

- (7) The name of any business in which the city official, candidate, or member of his household held or owned stock, legally or beneficially, at any time during the period covered by the statement, which stock is registered and publicly traded on a recognized exchange (or through the over-the-counter market).
- (8) The name, street address, and nature of any business in which the city official, candidate, or member of his household held or owned stock, legally or beneficially, at any time during the period covered by the statement, which stock is either unregistered, closely held or not publicly traded on a recognized exchange (or through the over-the-counter market), and a statement as to whether the holdings constitute a ten percent or larger interest in such business.
- (9) A description and the amount of all bonds, notes and other commercial paper held or owned, legally or beneficially, by the city official, candidate, or member of his household at any time during the period covered by the statement.
- (10) All other income received during the period covered by the statement by the city official, candidate, or member of his household in excess of \$250.00, including, by itemized listing, the amount and description of the source.
- (11) All real property in which the city official, candidate, or member of his household has held, at any time during the period covered by the statement, any legal or beneficial interests, including, by itemized listing, a description of the property sufficient to locate the property, including the street address, if any, the present use of the property and the proportion, by percent, of the interest held in each tract by the city official, candidate, or member of his household.
- (12) An itemized list of all real property that, at any time during the period covered by the

statement, was owned, either directly or through a subsidiary, by a corporation, partnership, limited partnership, trust, or other business in which the city official, candidate, or member of his household is an officer or owns at least a ten percent interest, including a description of the property sufficient to locate the property, including the street address, if any, and the present use of the property.

- (13) All contractual financial liabilities of the city official, candidate, or member of his household that are in excess of \$1,000.00 and that existed at any time during the period covered by the statement, including the amount of the liability, the interest rate and the name of the obligee. Provided, however, that such liabilities shall not be construed to include normal household accounts such as those with retail business establishments or bank credit or debit cards. Additionally excluded from this requirement are campaign loans which are to be reported as required by state statute.
- (14) All boards of directors of which the city official, candidate, or member of his household was a member and the executive positions which the person held during the period covered by the statement in any business, stating the name of each such business and the position held.
- (h) Reports of cash value or interest by category.
 - (1) Where a monetary amount or value is required to be reported, the exact amount need not be stated. The statement may instead include the category of amount as follows:

a. Category I:	Less than \$1,000.00.
b. Category II:	At least \$1,000.00 but less than \$10,000.00.
c. Category III:	At least \$10,000.00 but less than \$50,000.00.
d. Category IV:	At least \$50,000.00 but less than \$100,000.00.
e. Category V:	At least \$100,000.00 but less than \$500,000.00.

- f. Category VI: At least \$500,000.00 but less than \$1,000,000.00.
 - g. Category VII: \$1,000,000.00 or more.
- (2) Where the rate of interest is required to be reported, the exact rate of interest need not be stated. The statement may instead include the rate of interest by category as follows:
- a. Category I: Not more than five percent.
 - b. Category II: Greater than five percent, but not more than ten percent.
 - c. Category III: Greater than ten percent, but not more than 15 percent.
 - d. Category IV: Greater than 15 percent, but not more than 20 percent.
 - e. Category V: More than 20 percent.
- (Ord. No. 87-59, § 1, 1-14-87; Ord. No. 94-1006, § 1, 9-21-94; Ord. No. 94-1388, § 1, 12-21-94)

Sec. 18-22. Public records.

All financial disclosure statements required by this article shall be sworn and shall constitute public records. The city secretary shall maintain such statements in a manner that is accessible to the public during regular business hours.
(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-23. Dates.

All financial disclosure statements required by this article shall be filed with the city secretary by 5:00 p.m. of the last day designated. When the last day falls on a Saturday or Sunday, or on an official city holiday as established by city council, the deadline for filing is extended to 5:00 p.m. of the next day which is not a Saturday or Sunday or official city holiday. Such statement shall be deemed to be timely filed if it is placed in the United States Post Office or in the hands of a common or contract carrier properly addressed to the city secretary within the time limit applicable to such statement. The postmark or receipt mark (if received by a common or contract carrier) will be

prima facie evidence of the date that such statement was deposited with the post office or carrier.
(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-24. Legal opinions.

Any elected city official may request, and the city attorney shall thereupon promptly issue, a written opinion concerning the meaning or effect of any section, word, or requirement of this article as it affects such official. At the request of such official, the city attorney shall not disclose the requesting party's identity in the written requested opinion or in any other manner, and shall render the opinion in the form of a response to an anonymous, hypothetical fact situation.
(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-25. Forms.

The city secretary shall promulgate forms on which statements required by this article may be made and shall make them available to all persons who are subject to the terms of this article.
(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-26. Penalty.

Any violation of this article, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00 for each violation. Each day that any violation continues shall constitute a separate and distinct offense.
(Ord. No. 87-59, § 1, 1-14-87; Ord. No. 92-1449, § 33, 11-4-92)

Cross reference—General penalty, § 1-6.

Sec. 18-27. Review by ethics committee.

When a financial disclosure statement required by this article is filed with the city secretary, the city secretary or her designated representative shall promptly notify the ethics committee, by and through its chairman, of such filing. Such statement shall be reviewed by the committee, and if a majority of the committee determines that the statement has been completed incorrectly or not in accordance with the provisions of this article, the city official or candidate who filed such statement shall be accordingly advised by the committee, by way of certified mail, return receipt requested, to the address

provided by such city official or candidate at the time of his or her filing. Any allegations of violations of this article pertaining to financial disclosure shall be referred to the city attorney by the committee, subject to the requirements, limitations, and procedures established for such committee.

(Ord. No. 87-59, § 1, 1-14-87)

Secs. 18-28—18-30. Reserved.

ARTICLE IV. LIMITATIONS ON SOLICITATIONS AND CONTRIBUTIONS

DIVISION 1. GENERALLY

Sec. 18-31. Scope.

(a) The provisions of this article shall be applicable to all persons making contributions to and candidates for city elective office and to such additional matters as are addressed herein.

(b) Each candidate shall file with his application, consent and affidavit of candidate, a written statement acknowledging that he has received a copy of this chapter.

(Ord. No. 92-1245, § 5, 9-16-92)

Sec. 18-32. No contributions at City Hall.

It shall be unlawful for any person to deliver a contribution to a candidate in the City Hall or the Margaret Westerman City Hall Annex or building used by the planning commission. It is a defense to prosecution that the delivery was made by the United States Postal Service or other delivery service or common carrier.

(Ord. No. 92-1245, § 5, 9-16-92; Ord. No. 95-104, § 1, 1-25-95)

Sec. 18-33. Prohibited solicitations.

(a) It shall be unlawful for any candidate to accept or to offer or agree to accept any contribution that was solicited by a member of the planning commission or a member of the sports authority board, the port authority board, or the metropolitan transit authority board appointed by the city.

(b) It shall be unlawful for any member of the planning commission or a member of the sports authority board, the port authority board, or the metropolitan transit authority board appointed by the city to solicit contributions for any candidate.

(c) It shall be unlawful for a city employee, except a candidate, and unless during off-duty hours or on a duly-approved leave of absence, to solicit contributions for any candidate. Further, this section does not contradict state law as it applies to police and fire personnel.

(Ord. No. 92-1245, § 5, 9-16-92; Ord. No. 95-104, § 1, 1-25-95; Ord. No. 01-742, § 1, 8-8-01)

Sec. 18-34. Prohibition of contributions by litigants.

It shall be unlawful for any person who has any litigation pending in which the person is an adverse party to the city or who has an ownership interest of ten percent or more in any party that has any litigation pending in which it is an adverse party to the city to contribute or donate any funds to any candidate if the litigation seeks recovery of an unspecified amount or of an amount in excess of \$50,000.00, exclusive of costs of court and attorneys' fees. Such restriction shall not be applicable to attorneys representing such person. It shall be the duty of any candidate to refuse to accept any contribution that may be offered by a person who is known to the candidate to have a litigation interest described in the foregoing provision. In the event that any candidate unknowingly accepts a contribution in contravention of the foregoing provision, then it shall be the duty of the candidate to return the contribution within ten days after the candidate becomes aware of the litigation.

(Ord. No. 92-1245, § 5, 9-16-92)

Sec. 18-35. Restricted period for solicitations and contributions.

(a) A candidate for city office at a city general election may neither solicit nor receive contributions except during a period commencing on the 1st day of February prior to the day of the election, and ending on the 4th day of March following the election date for the race that the